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C O N F I D E N T I A L SECTION 01 OF 03 CAIRO 006327

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NSC FOR RICK WATERS

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TAGS: [PGOV](#) [KDEM](#) [EG](#)  
SUBJECT: CONSTITUTIONAL AMENDMENTS: TIMELINE SET, BATTLE  
LINES BEING DRAWN

REF: A. CAIRO 6016  
[1](#)B. CAIRO 3006

Classified By: CDA Stuart Jones for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: NDP officials expect President Hosni Mubarak to present his eagerly anticipated constitutional amendments package to the opening session of Parliament in mid-November. The People's Assembly will debate the proposed amendments for two months, and then vote; if the package is approved by Parliament, it will subsequently be put to a public referendum. To date, the NDP has offered little more than the broad outlines of the package of 20-25 constitutional articles. Opposition parties, reform advocates, and even a presidentially-appointed civil society group have focused on the need to amend Article 76 (to ease rigorous presidential candidacy requirements), and Article 77 (to institute presidential term limits); however, NDP officials have implied those articles are not likely to be amended. Public debate has also centered on the possible amendment of Article 88 (which provides for judicial supervision of elections); the outspoken Judges Club opposes amendments creating an election commission. These debates will dominate the Egyptian political landscape until early spring, when the referendum will likely be held. Pitched rhetorical battles over specific articles (among them 76, 77, and 88) are likely between the NDP and a loose front of opposition parties, the Muslim Brotherhood, independent parliamentarians, civil society organizations, and the Judges Club, but the NDP, with its unassailable parliamentary majority, can ignore the opposition, if it chooses. It is also not yet clear whether the NDP-dominated parliament will settle for cosmetic measures masquerading as genuine reform, or whether Mubarak's proposals will indeed shake the political status quo. End summary.

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TIMELINE AND PROCEDURES LAID OUT FOR CONSTITUTIONAL  
AMENDMENTS AND SHOURA COUNCIL ELECTIONS  
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[1](#)2. (C) In October 7 comments to the government-owned Al Ahram newspaper, Safwat al Sherif (Secretary-General of the ruling National Democratic Party (NDP) and speaker of the Shoura Council) said President Hosni Mubarak will present his proposed constitutional amendments package to the People's Assembly at the opening of the new parliamentary session, now set for November 15. According to Sherif, in accordance with the Constitution, if the Parliament "accepts the amendments in principle," the assembly will subsequently "study" the proposed amendments for two months, and then vote. If two-thirds of the MP's approve the amendments, the package will be put to a public referendum. The referendum will be a "yes" or "no" vote on the entire package of constitutional amendments, not a line-item vote. Sherif also stressed that,

"the proposed amendments will be discussed with political, partisan, and civil society representatives before the amendments are approved by Parliament."

13. (SBU) In the interview, Sherif also stated that the upcoming Shoura Council elections (for half of the members of the upper parliamentary house) will be held July 24, 2007. Previously, NDP officials said the Shoura Council elections would be held in the spring of 2007. Two-thirds of Shoura Council members are elected, and the remainder appointed by Egypt's president. Per the Constitution, every three years, fifty-percent of the Council is either up for election, or re-appointed. According to Sherif, candidates must present their names for candidacy 60 days before the election date. President Mubarak had previously announced that Shoura Council elections would be held under Egypt's current electoral system (i.e. single-direct constituency), not under a new proportional representational electoral system that may be approved under the constitutional amendments package.

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NDP VISION OF AMENDMENTS  
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14. (SBU) To date, the NDP has offered few details on the amendments, providing only broad outlines of possible changes, while noting that 20-25 constitutional articles are likely to be amended. At the recent NDP party conference (ref A), NDP Assistant Secretary General for Parliamentary Affairs Mufeed Shehab said proposed amendments will address various key issues, including, "empowering the People's Assembly with the right to withdraw confidence from the government without referring the issue to a public referendum; giving parliament a more substantive role in

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budgetary oversight; strengthening the powers of the Shoura Council; strengthening the powers of the cabinet, increasing the powers of local councils, and revising the electoral system so as to support the chances of representation of political parties and women in Parliament." Other NDP officials have told poloff that "outdated socialist-themed constitutional articles" will also be amended. (Note: In a legacy of the Gamal Abdel Nasser regime, the Egyptian Constitution has numerous references to socialism, such as Article 59: "Protection of socialist gains is a national duty." End note.)

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BATTLE LINES BEING DRAWN  
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15. (C) Some potential amendments, and apparent decisions not to amend other articles, have been met with intense criticism from the independent press and opposition parties. Across the board, civil society, opposition parties, and reform advocates have focused on amending Article 76 (to ease onerous presidential candidacy requirements) and Article 77 (to institute presidential term limits). Numerous non-NDP contacts over the past month consider the amendment of Articles 76 and 77 the gauge by which to determine whether the GOE is "serious about real reform." To date, various NDP officials have implied publicly that Articles 76 and 77 are unlikely to be amended.

16. (C) Public debate has also focused on the possible amendment of Article 88, which provides for judicial supervision of elections. The NDP is considering an amendment establishing an election commission that answers to the Supreme Judicial Council (a body under the authority of the executive branch), instead of judicial supervision. Many observers see this change as a direct response to the GOE-Judges Club crisis earlier this year, precipitated by judicial allegations of election fraud (ref tel B).

17. (SBU) Zakariyya Abdel Aziz, head of the Cairo Judges Club,

is outspoken in his criticism of plans to amend Article 88, and recently commented to the press, "We do not accept half-solutions. There should either be complete (judicial) supervision or no supervision at all." In a late August statement to independent newspaper Al Misry Al Yom, Nagy Derbala, a Vice-President of the Court of Cassation and prominent Judges Club member, stated, "We are heading for a referendum on constitutional amendments, which is the first test of complete supervision. If the judges' demands regarding complete supervision of all general electoral committees and subcommittees are not met, then the judges will not supervise the referendum." Civil society groups and opposition parties have come out in support of the Judges Club position to not amend Article 88.

18. (C) On October 4, a subcommittee of the National Council on Human Rights (NCHR) released recommendations for amendments that the subcommittee has referred to the entire Council for review and discussion. The NCHR plans to send recommendations approved by the entire Council to President Mubarak. (Note: The NCHR is an organization formed by Presidential decree in January 2004, composed of Egyptian civil society notables and other public figures such as former UNSYG Boutros Boutros Ghali, President of the Press Syndicate Galal Aref, Deputy Speaker of Parliament and Dean of Shari'a at Al Azhar University Zeinab Radwan, NDP reformer Hossam Badrawi, President of the Bar Syndicate Sameh Ashour, and editor of Al Siyassa Al Dawliya and co-founder of the National Democratic Front Osama Al Ghazali Harb, among others).

19. (C) Given the NCHR's establishment nature, the group's suggested amendments are somewhat surprising, including recommending the amendment of Articles 76 and 77, amending Articles 82 and 139 so as to make the appointment of a Vice-President mandatory, and not amending Article 88. The recommendations also included suggestions for reducing the President's powers, increasing the authorities of the Parliament and Shoura council, and moving to a proportional representation electoral system. The NCHR anticipates forwarding final recommendations to President Mubarak in the next few weeks.

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CHORUS OF IDEAS FROM OPPOSITION, BUT LITTLE SINGING  
IN UNISON  
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110. (C) Opposition parties and reform advocates are focused

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on the constitutional amendments issue. Many have publicly outlined their own vision for the amendments, formed committees to study possible amendments (e.g., the Muslim Brotherhood and the Judges Club each formed such internal committees in early October), and held joint workshops to discuss the amendments. Despite rhetoric about the need for various opposition parties and civil society organizations to work together, tangible efforts to unify an opposition platform of amendments are negligible. For instance, while all oppositionists agree that Article 76 should be amended, there has been no apparent effort to agree on precisely how to change it. Some reform advocates have commented to poloff that it is difficult to rally opposition efforts without the specific text of the NDP's proposed amendments in hand; they predict that once the amendments are presented to Parliament, opposition attempts to rally together to support the amendment or non-amendment of particular articles will greatly increase.

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COMMENT  
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111. (C) The debate over constitutional amendments will dominate the Egyptian political landscape until at least

February or March 2007, when the referendum will likely be held, with pitched rhetorical battles over the amendment or non-amendment of specific articles (among them Article 76, 77, and 88) likely between the NDP and a loose front of opposition parties, the Muslim Brotherhood, independent parliamentarians, civil society organizations, and the Judges Club. It is not yet clear whether the NDP-dominated parliament will settle simply for cosmetic measures masquerading as genuine reform, or whether the package put forward by the President will indeed shake the political status quo.

JONES